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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,940	04/12/2002	William D. Steadman	16-054	3021

7590 10/17/2003

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EXAMINER

DEPUMPO, DANIEL G

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/009,940

Applicant(s)

STEADMAN, WILLIAM D.

Examiner

Daniel G. DePumpo

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 90-114 is/are pending in the application.
- 4a) Of the above claim(s) 95,96,102-105,108,109 and 111 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90-93,97,98,100,106,107,110,112 and 114 is/are rejected.
- 7) ☒ Claim(s) 94,99,101 and 113 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3611

1. Applicant's election of species I (figs. 1-12, claims 90-94, 97-101, 105-107, 110 and 112-114 allegedly readable thereon) in Paper No. 10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

It is noted that claim 105 depends from a non-elected claim. Consequently, this claim has been withdrawn from further consideration.

2. Claims 95, 96, 102-105, 108, 109 and 111 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic claim.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not appear to include the following reference sign(s) mentioned in the description: recess 104 (page 10, line 13). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities: The description of the "pivoting connecting bar 48" (last paragraph, page 8) is confusing. It is unclear what element this bar "pivots" relative to. Clearly this bar pivots relative to projections 44 and 52. Apparently this bar 48 must also "pivot" relative to the frame 12 (in order to slidably move bar 54 in a direction opposite to the movement of carriage 40), however, this is not disclosed. As shown in fig. 4, there appears to be a pivot point depicted near the reference line for number 48, however, this is not discussed in applicant's specification. Clarification and/or appropriate correction are required.

Art Unit: 3611

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 90-94, 97-101, 106, 107, 110 and 112-114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 90, line 12, "the chair" lacks antecedent basis.

In claim 93, it is unclear what "one at a time" refers to.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 90-93, 97, 98, 100 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (DT 8906096) in view of Boyer and Beardshaw (UK 2,125,740).

Meier discloses a wheelchair having the structure substantially as claimed. The wheelchair includes a reclinable backrest 5, and a connection arrangement (10, 11, 12, etc.). The wheels of Meier are considered to be "removably mounted" (claim 110) to the degree claimed.

Meier does not disclose side frames interconnected by a foldable assembly, however, Beardshaw teaches a wheelchair having this common foldable assembly 30. It would have been obvious to modify Meier, by including a foldable assembly, as taught by Beardshaw to allow the wheelchair to be folded, thereby facilitating storage.

Meier also does not disclose that the seat assembly is removable. Boyer, however, teaches a wheelchair having a removable seat assembly 14. It would have been obvious to

Art Unit: 3611

modify Meier by including a removable seat assembly, as taught by Boyer, to allow for ease of folding the wheelchair, while providing a comfortable and substantial seat.

9. Claims 106 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Meier, Boyer and Beardshaw as applied to claims 90-93, 97, 98, 100 and 114 above, and further in view of Anderson.

As set forth above, the combination teaches substantially all that is claimed, but does not teach locking members. Anderson, however, discloses locking members 38 for wheelchair wheels. It would have been obvious to modify the combination by including locking members as taught by Anderson, to facilitate removal of the wheels.

10. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Meier, Boyer and Beardshaw as applied to claims 90-93, 97, 98, 100 and 114 above, and further in view of the GB 1,321,402 reference (GB '402).

As set forth above, the combination teaches substantially all that is claimed, but does not teach that the front wheels are adjustable. However, GB '402 discloses a wheelchair having adjustable front wheels. It would have been obvious to modify the combination by including adjustable front wheels as taught by GB '402, to accommodate uneven surfaces.

11. Claim 112 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Meier, Boyer and Beardshaw as applied to claims 90-93, 97, 98, 100 and 114 above, and further in view of Koerlin.

As set forth above, the combination teaches substantially all that is claimed, but does not teach that the armrests are pivotally movable. However, Koerlin discloses a wheelchair having pivotally movable armrests. It would have been obvious to modify the combination by including

Art Unit: 3611

pivotally movable armrests as taught by Koerlin, to facilitate entry and exit of the wheelchair user.

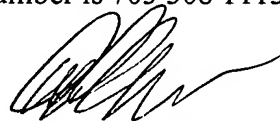
12. Claims 94, 99, 101 and 113 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Danziger, Bergstrom, Emmerich, Davis, Dickie and JP 410052460 disclose various devices having features in common with the instant invention.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is 703 308-1113. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703 308 1113. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.



Daniel G. DePumpo  
Primary Examiner  
Art Unit 3611

dgd  
10/14/03